

REMARKS

Reconsideration of this application is respectfully requested. Claims 1 and 18 have been amended. No new matter has been added by this amendment. Claims 1-4, 6-14 and 16-22 are pending and currently at issue.

Rejections Under 35 U.S.C. § 112

The Examiner has rejected claims 1-4, 6-14, 16 and 17-22 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Examiner states that the term “analog” implies more than what is recited in the claim, and unless the pentostatin analog is definitively set forth, the claims are subject to the broadest interpretation.

Claims 1 and 18 have been amended to recite a “pentostatin compound.” No new matter has been added by this amendment. Claims 2-4, 6-14, 16, 17, and 19-22 depend from either claim 1 or 18. The Examiner is therefore requested to withdraw the rejection of claims 1-4, 6-14, 16 and 17-22 for indefiniteness.

Claims 1-4, 6-9, 11-14, 16, 17 and 22 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular the Examiner states that the definition of R where R is H is not described in the specification.

Claim 1 has been amended to recite “wherein R is a removable protecting group,” and “removing any protecting groups” prior to “to obtain pentostatin.” Support for this amendment can be found in the specification, for example, on page 7, third paragraph. No new matter has been added by this amendment. Claims 2-4, 6-9, 11-14, 16, 17 and 22 depend from claim 1. The Examiner is therefore requested to withdraw the rejection of claims 1-4, 6-9, 11-14, 16, 17 and 22 for lack of written description.

Claims 1-4, 6-14 and 16-22 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular the Examiner states that “imidazole-containing” is not described in the specification.

Claims 1 and 18 have been amended to recite “imidazole ring.” The term imidazole ring is supported by the specification, for example, on page 15, lines 9-10 and page 17, lines 2 and 11 of the specification. No new matter has been added by this amendment. Claims 2-4, 6-14, 16, 17 and 19-22 depend from either claim 1 or claim 18. The Examiner is therefore requested to withdraw the rejection of claims 1-4, 6-14 and 16-22 for lack of written description.

In view of the preceding comments and amendments, the pending claims are believed to be in condition for allowance and such action is earnestly solicited.

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Respectfully submitted,

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